

February 1, 1996
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

CITY OF SAN DIEGO ET AL. V. RICHARD RIDER ET AL.

On January 9, 1996, the City Council authorized the City Attorney's Office to file a lawsuit against Richard Rider, Bruce Henderson, and Steve Green. The lawsuit was deemed necessary due to threats made by Messrs. Rider, Henderson, and Green to legally challenge the City's financing of the expansion of San Diego Jack Murphy Stadium.

The lawsuit was filed by petitioning the Fourth District Court of Appeal for a Writ of Mandate compelling the City Auditor and Comptroller, Ed Ryan, to certify the availability of funds to proceed with the expansion of San Diego Jack Murphy Stadium. The City asked the Court to take immediate action to rule on the allegations of Messrs. Rider, Henderson, and Green in order to be allowed to move forward with the stadium expansion and many other City projects that involve lease revenue bond financing.

On January 30, 1996, the Court of Appeal denied the City's Petition for Writ of Mandate. The Court found that the resolution of certain factual issues required the action to move through the trial court. Our office is exploring what other legal remedies are available to expedite the important legal issues raised in the petition and will advise the Council of our recommendations in the immediate future. A copy of the Court of Appeal's decision is enclosed.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Enclosure
RC-96-3